

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM TOTTEN,)	
)	
Plaintiff,)	No.: 13CV8157
v.)	(Cook County Circuit Court No: 13-L-11088)
)	Circuit Judge Clare Elizabeth McWilliams
)	
CRANE CO., et al.,)	
)	
Defendants.)	

INITIAL STATUS REPORT

Plaintiff and Defendants who have filed an appearance, hereby submit the joint status report:

I. Nature of the Case

A. Attorneys of Record

Counsel for Plaintiff, William Totten:

Cooney & Conway

Kathy Byrne

William Fahey

Robert Cooney, Jr.

Timothy Martin

Counsel for Defendant Crane Co.

Gunty & McCarthy

James Kasper

Cathie Carlson

Counsel for Defendants Ingersoll-Rand Company and Trane U.S., Inc.

HeplerBroom, LLC

Michael Antikanen

Counsel for Defendant ITT Industries, n/k/a ITT Corporation

McGuire Woods LLP

Undray Wilks

Jeffrey Rogers

Counsel for Defendants H.B. Fuller Company, Union Carbide Corporation, Imo Industries, Inc., Air & Liquid Systems Inc., Warren Pumps, Inc., Riley Power, Inc.,
Heyl Royster Voelker & Allen
Tobin Taylor
Heidi Ruckman

Counsel for Borg-Warner Morse TEC, Inc.
Lipe Lyons Murphy Nahrstadt & Pontikis, Ltd.
Bradley Charles Nahrstadt

Additional defendants have filed appearances in the Cook County case, but have not yet filed appearances in the Northern District. All defendants have been notified that the case was removed to the Northern District.

B. Briefly describe the nature of the claims asserted in the complaint and any counterclaims and/or third party claims.

Plaintiff alleges negligence against defendants for the plaintiff's civilian work as a welder and negligent failure to warn for the plaintiff's work as a boiler tender in the U.S. Navy.

No counterclaims or third party claims have been filed.

C. Briefly identify the major legal and fact issues in the case.

Plaintiff was diagnosed with mesothelioma which he alleges was caused by exposure to asbestos from defendants' products. Defendants deny that their products caused the plaintiff's disease.

D. State the relief sought by any of the parties.

Plaintiff seeks monetary damages. Plaintiff may seek punitive damages against certain defendants.

II. Jurisdiction

A. Identify all federal statutes on which federal question jurisdiction is based.

Defendant Crane Co. removed this case from the Circuit Court of Cook County to the Northern District of Illinois based upon federal officer jurisdiction pursuant to 28 U.S.C. §§ 1442(a)(1) and 1446. Plaintiff contests this jurisdiction and has requested remand.

B. Is jurisdiction over any claims based on diversity or supplemental jurisdiction:

Unknown at this time since not all defendants have appeared.

III. Status of Service

All defendants have been served in Cook County. All defendants have been notified of the removal, but not all defendants have filed an appearance in the Northern District of Illinois case.

IV. Consent to proceed before a Magistrate Judge: Counsel have advised the parties that they may proceed before a Magistrate Judge, but the parties do not unanimously consent.

V. Motions

A. Pending Motions

Plaintiff filed a motion to remand the case back to Cook County. Crane Co. filed a response to plaintiff's motion.

B. Defendants that have appeared have answered the complaint.

VI. Case Plan

A. Discovery plan: Currently not all of the defendants have made appearances in the federal case as they are awaiting the decision on plaintiff's motion to remand. Once the issue of remand has been decided and all defendants have appeared, a discovery plan can be worked out among the parties. Plaintiff's answered interrogatories in Cook County. It is expected that the plaintiff would be deposed and any potential co-workers would also be deposed. Corporate and expert witnesses of each party will be deposed.

B. Trial

(1) A jury trial is requested.

(2) Depending on the number of defendants left, a jury trial may take between 2 and 3 weeks.

VII. Status of Settlement Discussions.

A. No settlement discussions have occurred with the parties who have appeared in the federal case.

B. Not applicable.

C. Any request for settlement conference may be better determined at a future time.

Dated: January 16, 2014

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record on this 16th day of January, 2014.

/s/Catherine L. Carlson